

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

In the Matter of the Extradition of)	Hon. Michael A. Hammer, U.S.M.J.
)	
Jonathan Camus Ben-Shimon,)	
a/k/a Jonathan Camus Bensimon,)	Mag. No. 22-10021
a/k/a Camus Jonathan Ben Simon,)	
a/k/a Camus Jonathan Bensimon)	

MOTION TO SEAL COMPLAINT,
SUPPORTING PAPERWORK, AND ARREST WARRANT

The United States of America, by Philip R. Sellinger, United States Attorney for the District of New Jersey, (Blake Coppotelli, Assistant United States Attorney for the District of New Jersey, appearing) hereby moves the Court to place under seal until further order of the Court, the Complaint, and any supporting documents and docket entries, and the Arrest Warrant in the above-captioned case, as well as the Government's Motion to Seal and this Court's Order sealing the aforesaid documents. In support of its motion, the government states as follows:

1. The sealing of a case is appropriate where there exists an extraordinary situation and a compelling government interest, see Washington Post v. Robinson, 935 F.2d 282, 289 (D.C. Cir. 1991), such as, taking a defendant into custody, see United States v. Michael, 180 F.2d 55, 57 (3d Cir. 1949); see also United States v. Sharpe, 995 F.2d 49 (5th Cir. 1993); United States v. Southland Corp., 760 F.2d 1366, 1379-80 (2d Cir. 1985); United States v. Lyles, 593 F.2d 182 (2d Cir. 1979) (a charging document may be sealed for any legitimate prosecutorial reason, including to take the defendant into custody and bring him or her before the court), or protecting an ongoing criminal investigation. See generally Globe Newspaper v. Superior Court, 457 U.S. 596, 606-07 (1982); Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 510 (1985).

2. In connection with this matter, the United States is seeking extradition on behalf of the Government of Switzerland, in fulfillment of its treaty obligations. The government is concerned that public disclosure of the complaint and related materials at this time could jeopardize plans to secure the fugitive's arrest because such disclosure could result in his being alerted to his criminal liability, and cause him to take measures to flee or avoid capture. The government has thus articulated an appropriate basis for an Order sealing the complaint, any supporting documents and docket entries, the Arrest Warrant, this Motion, and any Order to Seal.

3. In addition, we request that the sealing Order permit disclosure of the complaint, any supporting documents and docket entries, and the Arrest Warrant, to appropriate law enforcement and other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to capture or detain the fugitive.

4. It is requested that the Court's order permit unsealing of the complaint for provisional arrest and any supporting documents and docket entries, by any United States District Court Judge or any United States Magistrate Judge, in any district, upon oral motion of the United States.

CONCLUSION

WHEREFORE, for all the foregoing reasons, the United States of America respectfully requests that the Court issue an Order sealing (except to the limited extent specified herein) the complaint filed in this matter on this date, as well as sealing any supporting documents and docket entries, the Arrest Warrant, this Motion, and the Court's sealing Order, until further order of this Court or another Court.

A proposed Order is submitted herewith.

Respectfully submitted,

Phillip R. Sellinger
United States Attorney

/s/ Blake Coppotelli

By: Blake Coppotelli
Assistant United States Attorney

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SEALING ORDER

Upon the application of the United States of America, by Philip R. Sellinger, the United States Attorney for the District of New Jersey (Blake Coppotelli, Assistant U.S. Attorney, appearing), on behalf of the United States in fulfilling its treaty obligation to Switzerland, for an Order sealing the complaint filed in this matter on this date, as well as sealing any supporting documents and docket entries, the Arrest Warrant, supporting Motion, and the Court's sealing Order, except for disclosure to appropriate law enforcement and other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to capture or detain the fugitive, and for good cause shown,

IT IS on this 28th day of January, 2022,

ORDERED that the complaint filed in this matter on this date, as well as any supporting documents and docket entries, the Arrest Warrant, supporting Motion, and the Court's sealing Order, except for disclosure to appropriate law enforcement and other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to capture or detain the fugitive, are hereby sealed until further Order of this Court.

Michael A. Hammer 11:46a.m.
HONORABLE MICHAEL A. HAMMER
United States Magistrate Judge